

Nos. 22-5148, 22-5149

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UNITED STATES COURT OF APPEALS  
FOR THE D.C. CIRCUIT

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BLACK ROCK CITY LLC and BURNING MAN PROJECT,  
*Plaintiffs/Appellees,*

v.

DEB HAALAND, in her official capacity as Secretary of the United States  
Department of the Interior, et al.,  
*Defendants/Appellants.*

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Appeal from the United States District Court  
for the District of Columbia  
No. 1:19-cv-03729-DLF (Hon. Dabney L. Friedrich)

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**FEDERAL APPELLANTS' STATEMENT OF ISSUES TO BE RAISED**

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The issues raised in this appeal are:

1. Did the district court correctly conclude that the “Estimate Decisions” issued by the Bureau of Land Management (“BLM”) were not “final agency action” subject to judicial review?
2. Did the district court correctly conclude that BLM had failed to sufficiently explain its conclusion that the costs charged to the Plaintiffs/Appellees for the Burning Man festival were “reasonable” and that the agency’s reasoning could not reasonably be discerned from the existing administrative record?

Respectfully submitted,

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